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HKG Launches Public Consultations on Pesticide Regulations

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Report Highlights:

The Hong Kong government (HKG) has launched public consultations on the proposed refined regulatory framework for pesticide residues in food, which will last until September 19. In the consultation paper, the HKG emphasizes the need to strike a balance between maintaining a stable food supply and protecting public health. The upcoming Pesticide Regulation which is planned to be introduced to Legislative Council for vetting in late 2011 will be the first of its kind in Hong Kong. Presently, there is no specific legal provision that regulates the level of pesticide residues in food.

Summary

The Hong Kong government (HKG) has launched a public consultation period on the proposed refined regulatory framework for pesticide residues in food. The consultation exercise will last for about two months until September 19, 2011. The content of the public consultation document is in line with those revealed at trade forums held in earlier 2011, which were duly reported in gain reports HK1127, 1112 and 1106. There are no changes on the proposed regulatory framework, since our last report HK1127 dated June 24.

The HKG released a preliminary list of maximum residue limits (MRLs) and extraneous maximum residue limits (EMRLs) in April this year for public's early review. According to government sources, an updated full list is unlikely to be released before the end of the consultation period. However, they are considering accepting applications for revising/adding MRLs/EMRLs as early as during the grace period. The proposed regulation is expected to be passed in early 2012 with two years grace period provided. The earliest implementation of the new pesticide standard would be early 2014.

Key Points of the Regulatory Framework

- Adopting Codex's definition of "pesticide" and other related terms;
- Adopting Codex's classification of foods;
- Adopting a list of MRLs/ EMRLs for certain pesticide –food pairs based on Codex and supplemented by standards of China, U.S. and Thailand.
- Adopting a “modified positive list approach”, i.e. in cases where pesticide residues are found outside the list, it will be prohibited unless the food safety authority is satisfied that the level of residue will not be dangerous to health. The authority will conduct risk assessments to draw a final decision;
- Providing a list of exempted substances to allow the trade to use pesticides that are natural and for which the residues are identical to or indistinguishable from natural food components;
- Providing regular updates on the lists of MRLs/EMRLs and exempted substances;
- Allowing application for revising/adding MRLs and exempted substances; and
- Providing a two-year grace period after the enactment of the regulation. The earliest implementation date would be early 2014.

The consultation exercise will last for two months. U.S. exporters are encouraged to deliver comments to the Hong Kong government's Center for Food Safety before September 19 at email : pesticide_consultation@fehd.gov.hk.

Important Links:

Full consultation paper -

http://www.cfs.gov.hk/english/whatsnew/whatsnew_fstr/whatsnew_fstr_21_Pesticide.html

Preliminary list of MRLs/EMRLs –

http://www.cfs.gov.hk/english/whatsnew/whatsnew_fstr/files/Draft_MRL_for_technical_meeting_2803_2011.pdf